

REMARKS

At the outset, Applicants wish to thank Examiners Chaudhry and Cardone for their time and courtesy during the recent telephone interview of November 30, 2006.

As the Examiners will recall, Examiner Chaudhry argued that the claimed first server was Pearson's Application Service 14 and that the claimed second server was incorporated into the Host Interface 20. Examiner Chaudhry further stated that that Pearson's Col. 4, lines 43-65 was evidence of a teaching of the claimed step of "causing the website to display the selected content to the accessing computer." Examiner Chaudhry also contended that the credit card processor, bill payment processor, the retail bank processor and/or the ATM processor, the "Back End Servers" served up web sites to a client with content selected by a first server – the Application Service 14.

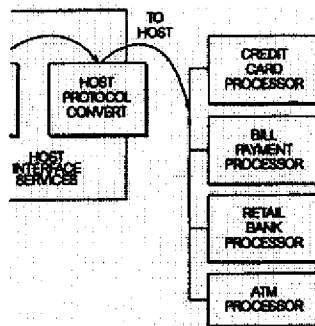
Also during the telephone interview, Examiner Cardone agreed with the undersigned's contention that independent claim 35 should have been examined on its own merits and that Examiner Chaudhry is not free to disregard the claim limitations of independent claim 35 by lumping them *in toto* with those of independent claim 1 for the purpose of a §103(a) rejection, as was done in the Office Action mailed August 22, 2006. In the event that the present application is not allowed after this response, it is respectfully requested that any further Office Action be made non-final, so Applicants are afforded a fair examination of independent claim 35.

Turning now to the outstanding Office Action with particular attention to the issues raised during the aforementioned recent telephone interview and the "points of contention" in the "Response to Remarks" section of the outstanding Office Action, claims 1-20 and 23-44 were rejected under 35 U.S.C. §103(a) over Pearson (U.S. Patent No. 6,023,684) in view of

McMichael (U.S. Patent No. 6,941,339). Reconsideration and withdrawal of these rejections are respectfully requested, for the following reasons.

Point of contention 2

The host in Pearson is shown to be a credit card processor, a bill payment processor, a retail bank processor or an ATM processor, as shown in Pearson's Fig. 6:



These servers are also variously called the “Back End Servers” (Fig. 2) or “back end system” or “Host System” in Pearson. The host system is coupled to the Application Service 14 via a Host Interface 20, as shown in Figs. 1 and 2 of Pearson. In turn, the Application Service 14 includes the Application Server 56 and the Communication Server 60 (Fig. 1, Col. 8, lines 10-16).

The Examiner contends that such are merely examples and that various services are applicable to Pearson’s “design”. Pearson, however, does not teach that these are merely examples. Moreover, even if “Pearson’s design” shown in Fig. 6 were in fact only examples, the Pearson reference (whether alone or in combination with the secondary reference) still does not teach or suggest the claimed embodiment.

Indeed, claim 1 recites:

retrieving user information corresponding to the user identification data from a database of user information accessible to the first server;
applying the retrieved user information to a rule base including a plurality of rules;

selecting content to be displayed on the second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules, and

causing the Web site to display the selected content to the accessing computer.

At the outset, claim 1 calls for a method for a first server to select content to be displayed on a computer accessing a Web site of a second server. If Pearson's host ("Credit Card Processor," the "Bill Payment Processor", the Retail Bank Processor" and the "ATM Processor" or other) is the claimed second server, the rejection fails as Pearson does not teach or suggest any computer accessing any Web site of the "Credit Card Processor," the "Bill Payment Processor", the Retail Bank Processor" or the "ATM Processor." This point was brought out during the recent telephone interview. Moreover, in Pearson, there is no content that is selected by anybody "to be displayed on the second server's Web site," and much less any content that is selected "based upon a result of the application of the retrieved user information", as claimed and required by claim 1. If the Examiner's contention were correct, Pearson would teach or suggest, either alone or in combination with McMichael, that some first server (the Application Service 14, as urged by the Examiner) selects content to be displayed on a web site of the "Credit Card Processor," the "Bill Payment Processor", the Retail Bank Processor" or the "ATM Processor." As the Examiner will note, no such first server selects content to be displayed on a web site of the "Credit Card Processor," the "Bill Payment Processor", the Retail Bank Processor" or the "ATM Processor" because: a) no first server is disclosed that selects anything for display on the web site of another server; b) none of the "Credit Card Processor," the "Bill Payment Processor", the Retail Bank Processor" or the "ATM Processor" (Collectively, the "Back End Servers") are disclosed to have a web site accessible to users; and c) such web site is nowhere disclosed or suggested in the applied combination to have some of its content selected by another server.

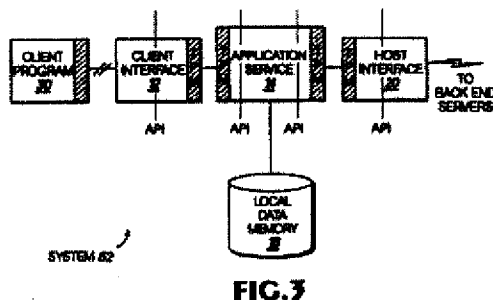
In Pearson, the database server (also called the Local Data Memory 16) simply works as a cache memory for pre-fetched data retrieved from the host system (the aforementioned "Credit Card Processor", the "Bill Payment Processor," the "Retail Bank Processor" or the "ATM Processor") to enable fast access thereto by the application server 56. "The data in the local data memory is used to process client requests without requiring real time responses from the legacy database" (Col 4, lines 28-30). "Thus, local data memory 16 acts as a cache memory for user data during a logical session" (Col 7, lines 13-15).

The Examiner, still in "point of contention" 2 and during the recent telephone interview, stated that "data transferred to the client from the host conforms to HTTP, which makes evident that means for transferring a web site from the host to the client are present" and points to Col. 6, lines 44-50 in support of this contention.

However, Pearson does not teach that the data is transferred from the host conforms to HTTP. Indeed, Col. 6, lines 44-50 reads:

A system made in accordance with the principles of the present invention is shown in FIG. 1. System 10 includes one or more client interfaces 12 each of which communicates client requests and system responses with a client program 30 (FIG. 3) over a communication network, such as an open communication network like the Internet, in a known client communication protocol such as HTTP.

This is shown in Fig. 3:



Pearson does NOT teach or suggest that any HTTP exchanges are made between the client and the back end servers (see above Fig. 3) host system (the aforementioned "Credit Card Processor", the "Bill Payment Processor," the "Retail Bank Processor" or the "ATM Processor"). To assert otherwise is simply not supported by the objective teachings and suggestions of Pearson, as Pearson does not teach or suggest that any of these servers a) has a Web site (the packet transport protocol HTTP does not mean a Web site is present), b) has a Web site that is accessible to users, c) has a web site on which content to be displayed is selected based upon a result of the application of the retrieved user information to at least one of the plurality of rules.

It is also worthy to note that the Person states, immediately following the above passage:

known client communication protocol such as HTTP. Client interface 12 is coupled to one or more application services 14 which process authenticated client requests received from a client interface 12 using data stored in local data memory 16. Application services 14 may perform different customer functions which implement customer support services, such as a bill payment service, retail banking service or the like.

Therein, it is stated that client interface 12 is coupled to one or more Application Services 14 which process authenticated client requests received from a Client Interface 12 using data stored in local data memory 16. So, the Application Service 14 (what the Office now analogizes to the claimed first server) does not select content for display on a web site of a second server (what the Office analogizes to the host interface 20 / Back End Servers of Fig. 6), but merely retrieves data from its local storage (database 16, Fig. 3) to process client requests. This system does not meet the claim limitations, nor would it provide any teaching or suggestion to a person of skill in this art to develop the embodiments claimed in the pending independent claims. Still unsuggested by the applied combination would be any first server selecting content to be displayed on a second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules, as claimed.

During the telephone interview, Exr. Chaudhry stated that the claimed first server corresponds to Pearson's Application Service 14 and that the claimed second server corresponds to Pearson's Host Interface 20 and/or that the Back End Servers (the aforementioned "Credit Card Processor", the "Bill Payment Processor," the "Retail Bank Processor" or the "ATM Processor"). Even if such is agreed upon for purposes of argument (which it is not), the applied combination never teaches or suggests that the Application Service 14 selects content to be displayed on the Host Interface 20 / Back End Server's Web site, and much less selects content based upon a result of the application of the retrieved user information to at least one of the plurality of rules, as claimed. There is no teaching or suggestion that Application Service 14 selects any content to be displayed on any web site of Host Interface 20 / Back End Servers (there is no such web site disclosed therein). To the contrary, Column 6 of Pearson specifically teaches that the Application Service 14 retrieves data from the Local Data Memory 16 to service client requests, and does not select content for a second server to display on its web site.

Point of contention 3

In this point of contention and during the recent telephone interview, the Examiner argued, in essence that the Pearson-McMichael combination teaches/suggests applying the retrieved user information to a rule base including a plurality of rules and teaches/suggest selecting content to be displayed on the second server's Web site (what the Examiner has analogized to the aforementioned "Credit Card Processor", the "Bill Payment Processor," the "Retail Bank Processor" or the "ATM Processor" based upon a result of the application of the retrieved user information to at least one of the plurality of rules.

However, even if the secondary reference to McMichael discloses a rules engine, the applied combination fails. Indeed, the combination fails because: a) **no first server is taught to**

select content of a web site of the back end servers (“Credit Card Processor”, the “Bill Payment Processor”, the “Retail Bank Processor” or the “ATM Processor”), as required by the claim (see preamble); and b) the pre-fetched data in the database server 58 of Pearson is never disclosed to be selected (by rules or any other mechanism) for display on a web site of a second server that is accessed by the user, as would necessarily be so, if the applied combination taught or suggested the claimed inventions. The data in the database server 58 is just pre-fetched information that is locally stored to facilitate quick access thereto. No selection is made on this data, by rules or otherwise. It is simply a locally cached copy of the data from the “Credit Card Processor”, the “Bill Payment Processor”, the “Retail Bank Processor” or the “ATM Processor” back end servers, accessed through the communications server and stored on the database server 58.

Point of contention 4

Claim 18 requires that the rule base be accessible to the merchant web server. The Examiner disagrees with the applicant, and states that, in essence, because the rule engine in McMichael is connected to the network (“which obviously features servers such as commercial web servers”), the rules engine is necessarily “accessible to the merchant web server”, as claimed herein. McMichael teaches that the rules are set by the user. That McMichael’s rules engine is “connected to the network” and that “the network” may include servers is an insufficient basis on which to hang a §103(a) rejection because the primary reference does not teach any web site whose content is selected by “retrieving user information corresponding to the user identification data from a database of user information accessible to the first server; applying the retrieved user information to a rule base including a plurality of rules; and selecting content to be displayed on the second server’s Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules”, as claimed. The rules in McMichael are not

accessible to the first server, and the primary reference does not teach that the second server's Web site displays content based upon a result of an application of retrieved user information to one or more rules, as required by the claims. If the Examiner's "fourth point of contention" were to stand, almost any functionality or accessibility could be ascribed to any server or any device coupled to "the network." This is akin to arguing that any server is accessible to anybody because it is "connected to the network." Plainly, this cannot and is not the case.

Point of contention 5

The Examiner again (see Appeal Brief filed December 16, 2005) disregards claim language and states that the claimed "traits" "integrate the selected content into the Web site controlled by the affiliate server (claim 18)", and "request for the personalized content from the accessing computer, the accessing computer having accessed a Web page (claim 35)" are "**deemed equivalent**" to the claim 1 "trait" of "causing the website to display the selected content to the accessing computer." In this regard, kindly recall that Examiner Cardone has agreed during the recent telephone interview that claim 35 is deserving of independent examination. Again, it is respectfully submitted that if the present application is not allowed on the basis of the present response, that any further Office Action include an independent examination of claim 35 and be made non-final.

At the outset, it is respectfully submitted that claims do not include "traits" and "traits are not proper bases on which to examine claims. Moreover, it is also respectfully submitted that the Examiner must examine the claims as they are written and not impermissibly lump the claim recitations together or flatly declare that they are somehow "equivalent" to some other recitation in some other claim. The Examiner, in this instance, is incorrect as a matter of law. Substantively, the Examiner also states that the claimed recitations are simply "equivalent" to the last claimed step of

claim 1; namely, "causing the website to display the selected content to the accessing computer", and cites Pearson at Col. 4, lines 43-65 as support for his contention.

Pearson, at Col. 4, lines 43-65 states:

In a more detailed aspect of the invention, the client interface includes personality logic for converting client requests and system response data between a client program protocol and an application service protocol. Specifically, presentation logic in the client interface organizes the system responses and prepares it for rendering at the user's computer. If the user's computer is executing a fat client program, such as a personal financial program like Quicken, the client program does most of the rendering processing and the personality logic need not perform much of the rendering processing. In user computer executing their clients, such as web browsers like Netscape Gold Navigator, relatively little rendering is performed by the client. As a result, the personality logic does most of the rendering in its generation of a description language, such as the HTML document or documents, returned to a user. In the preferred implementation, a plurality of client interface service applications are provided on a web server. Each client interface service may have a different personality logic and the selection of a client interface service for communication with a client program depends upon the types of client programs attempting to access the system.

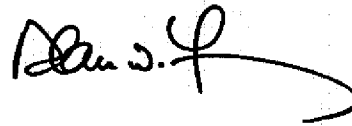
This passage basically states that presentation logic in the client interface prepares the system responses for rendering on the user's computer and that fat client programs do much of the rendering processing themselves, whereas thin clients such as browsers do relatively little rendering processing. This does not even begin to teach or to suggest, for example, integrating selected content into the Web site controlled by the affiliate server, as required by claim 18.

With regard to claim 35, for example, no request for personalized content of any Web site is even hinted at in the applied combination. However, such a request forms the very first claimed step of claim 35. This step also requires that the accessed Web page include embedded code configured to send the request for personalized content to the first server. It is also apparent that the applied combination teaches nothing of the sort. The Office, moreover, has not even addressed this limitation, as it rejected each of the independent claims in bulk in a single paragraph of page 2 of the outstanding Office Action, and again in the Examiner's fifth "point of contention" without

considering the actual claim limitations of each, as it must for a proper, tenable and defensible obviousness rejection. It is respectfully submitted that the Office is not at liberty to call differing claim limitations "equivalent" for the purpose making a one-size-fits-all §103(a) rejection. The claim limitations of each independent claim must be addressed.

Applicants believe that this application is now in condition for allowance. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,



Date: December 1, 2006

By: _____

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